

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re the Application of: Daniel F. Klessig, et al.

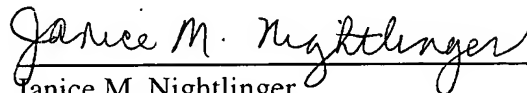
Application No.: 10/780,002

Filed: February 17, 2004

For: "NOVEL SALICYLIC ACID-BINDING PROTEIN ENCODING NUCLEIC ACID, SABP2, AND METHODS OF USE THEREOF"

### **Certificate of Mailing Under 37 CFR §1.8(a)**

I hereby certify that this Correspondence is being deposited on October 5, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER FOR PATENTS, Mail Stop Missing Parts, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Janice M. Nightlinger

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### **Applicants' Response to Notice to File Missing Parts**

Dear Sir:

In response to the Notification of Missing Parts of Nonprovisional Application dated August 12, 2004 a copy of which is enclosed herewith, we are completing the above-identified U.S. Patent Application of Kent W. Christopherson II, et al., U.S. Patent Application No. 10/780,002.

The Notice to File Missing Parts required submission of:  
Oath or Declaration  
Sequence Listing and Computer Readable Diskette  
Declaration Surcharge

We are hereby submitting:

Copy of Notification of Missing Parts Dated August 11, 2004  
1 Sheet of Declaration, Power of Attorney and Power to Inspect

- continued -

U.S. Patent Application No. 10/780,002

Submission of Sequence Listing Under 37 CFR §§1.821-1.825

Paper Copy of Sequence Listing

Computer Readable Diskette

Assignment Recordation Cover Sheet

1 page of executed Assignment

Check in the amount of **\$105.00** (Late Surcharge and Assignment Recordation filing fee)

In the event the check is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Account No. 04-1406.

☒ A duplicate copy of this sheet is enclosed.

☒ Please address all communications to the following Correspondence Address:

Customer No. 000110

Kathleen D. Rigaut, Ph.D., J.D.

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Direct all inquiries to the undersigned agent

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN

A Professional Corporation

By: 

Kathleen D. Rigaut, Ph.D., J.D.

PTO Registration No. 43,047



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/780,002	02/17/2004	Daniel F. Klessig	3670-P02652US01

000110  
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 1601 MARKET STREET  
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CONFIRMATION NO. 9555

## FORMALITIES LETTER



\*OC000000013525184\*

Date Mailed: 08/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/08/2004 BABRAHA1 00000031 10780002

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE